

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**SPECIAL CIVIL APPLICATION No. 11022 of 1998****For Approval and Signature:****HONOURABLE MR.JUSTICE KS JHAVERI**

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- 1 Whether Reporters of Local Papers may be allowed to see the judgment ?
 - 2 To be referred to the Reporter or not ?
 - 3 Whether their Lordships wish to see the fair copy of the judgment ?
 - 4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?
 - 5 Whether it is to be circulated to the civil judge ?

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GODHRA NAGARPALIKA - Petitioner(s)

Versus

MM PATEL - Respondent(s)

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Appearance :

MR RN SHAH for Petitioner No(s).: 1.

RULE SERVED for Respondent No(s).: 1.

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CORAM : HONOURABLE MR.JUSTICE KS JHAVERI

Date : 09/08/2005

ORAL JUDGMENT

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1. This petition is directed against the judgment and award dated 31st August, 1998 passed by the Labour Court, Godhra in Reference [L.C.G.] No. 50/90, whereby the Labour Court has directed the petitioner to pay an amount of Rs.30,000=00 by way of compensation to the

respondent and Rs.3,000=00 by way of costs.

2. The short facts of the case are that the respondent was working as a Compounder on condition that his services can be terminated at any time without notice. It is the case of the petitioner as per Section 42 of the Pharmacy Act, 1948, since the respondent was not qualified for the said post, his services came to an end w.e.f. 27th January, 1985. Feeling aggrieved by the said action, the respondent raised an industrial dispute which was ultimately referred to the Labour Court, Godhra for adjudication. The Labour Court, after considering the materials produced on record, passed the impugned award. Hence, this petition.

3. Mr. Shah learned advocate for the petitioner has contended that the Labour Court has committed an error in directing the petitioner to pay Rs.30,000=00 by way of lump sum compensation merely on the ground that the respondent has worked for one year.

4. Though served none appeared on behalf of the respondent. I have heard the learned counsel for the petitioner. Having perused the materials produced on

record, it transpires that the Labour Court has committed an error in granting Rs.30,000=00 by way of lump sum compensation merely on the ground that the respondent had worked for one year. However, looking to the facts and circumstances of the case and in view of the fact that the petitioner being the local authority having financial constraints, I am of the opinion that the Labour Court ought to have granted one months salary. Thus, the impugned award passed by the Labour Court is required to be modified.

5. In above view of the matter, the impugned award dated 31st August, 1998 passed by the Labour Court, Godhra in Reference [L.C.G.] No. 50/90 is modified to the extent that the petitioner is directed to pay a sum of Rs.2,000=00 instead of Rs.30,000=00 by way of lump sum compensation and Rs.300=00 by way of costs. Rule is made absolute to the aforesaid extent with no order as to costs.

[K.S. JHAVERI, J.]

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